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Attorney for Debtors  
 JEFFREY SCOTT NEITHERCUTT &  
 BECKY LYDIA NEITHERCUTT

UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA

In re:	Case No.: 15-27566-C-13C
JEFFREY SCOTT NEITHERCUTT & BECKY LYDIA NEITHERCUTT,	In Chapter 13
	DCN:DPC-2
	<b>DEBTORS' DECLARATION IN RESPONSE TO TRUSTEE'S MOTION TO DISMISS CASE</b>
	Date: January 18, 2017
	Time: 10:00 A.M.
	Ctrm: 33
Debtors.	Dept: C

WE, JEFFREY SCOTT NEITHERCUTT & BECKY LYDIA NEITHERCUTT, the Debtors herein, hereby submit this Declaration in Support of our response to Trustee's Motion to Dismiss Case.

1. On or about December 21, 2016, the Chapter 13 Trustee filed a motion to dismiss our case. The Trustee alleges that we are in material default with respect to the confirmed plan because according to the Trustee's

1 calculations the Plan will complete in 96 months as  
2 opposed to 60 months proposed.

3 2. On April 22, 2016, Wells Fargo Bank, N.A. filed a Notice  
4 of Mortgage Payment Change which increased the ongoing  
5 mortgage payment amount.  
6

7 3. On June 29, 2016, Wells Fargo Bank, N.A. filed a Notice of  
8 Withdrawal of Mortgage Payment Change. We wrongly assumed  
9 that the withdrawal was for the most recent mortgage  
10 increase.  
11

12 4. Our ongoing mortgage payment increased during the life of  
13 the plan in accordance with the pre-petition loan  
14 modification. We will pay \$5,532.00 prior to the hearing  
15 on the trustee's motion to dismiss, and for each month  
16 thereafter. In this way our plan will complete in 60  
17 months.  
18

19 We, JEFFREY SCOTT NEITHERCUTT & BECKY LYDIA NEITHERCUTT,  
20 hereby certify under penalty of perjury that we have read the  
21 foregoing Declaration and that the contents thereof are true and  
22 correct.  
23

24 Executed on January 2, 2017, at Davis, Yolo County,  
25 California.

26 By: /s/ Jeffrey Scott Neithercutt  
Jeffrey Scott Neithercutt, Declarant

27 By: /s/ Becky Lydia Neithercutt  
28 Becky Lydia Neithercutt, Declarant